

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAW FAMILY ARCHIVES, LTD., EDITH MARCUS, :
and META STEVENS, :

Plaintiffs, :

-against- :

CMG WORLDWIDE, INC., an Indiana Corporation :
and MARILYN MONROE, LLC, a Delaware :
Limited Liability Company, :

Defendants. :
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Index No. 05 CV 3939(CM)

DECLARATION OF EDITH MARCUS

1. My name is Edith Marcus. I have personal knowledge of the matters stated in this declaration.

2. I own a fifty percent interest in the copyrights of the images taken by my father, Sam Shaw, including but not limited to the Marilyn Monroe images (the "Shaw Copyrights"). My sister, Meta Stevens, owns an equal interest in the Shaw Copyrights. I am also the archivist for Shaw Family Archives, Ltd. and I have extensive knowledge about the provenance of my father's work.

3. My father first became friends with Marilyn Monroe on the set of *Viva Zapata* in 1951/1952. Marilyn Monroe was dating the director of *Viva Zapata* at that time, Elia Kazan, and Kazan had Marilyn drive my father to and from the set. From that moment, they became life-long friends.

4. In 1955, Marilyn Monroe moved to New York. My father was with her often, taking photographs of her around New York City (we have hundreds of photographs of Marilyn Monroe in our archives, walking around New York, rowing a boat in Central Park, shopping on Fifth Avenue and running on the beaches on Long Island). He told me later that she craved knowledge and culture, and took her to see many of his literary friends and to museums. My father took my family and Marilyn to the Metropolitan Museum of Modern Art several times, from 1955 to 1958. My father taught us all about the different artists and answered Marilyn's questions about the artworks and the artists. I remember that she was so beautiful, that she seemed to glow. She was also very nice to my brother, my sister and me.

5. Marilyn also frequently called my father on the telephone, sometimes two or three times a day. I was accustomed to hearing her voice, she had a very distinguishable voice and a manner of speaking that was special and memorable.

6. Marilyn Monroe and I shared the same birthday, June 1st. On June 1st, 1955, for my tenth birthday, Marilyn took me to the circus. My father dropped me off at her apartment in New York City. She didn't dress like Marilyn Monroe the movie star, and she wore a scarf over her head so she wouldn't be recognized. Before we left, she told me not to call her "Marilyn," she told me to call her "hey you," "hey there" or "hay stack."

7. I have listened to a sound recording of an interview of Dave Garroway and Marilyn Monroe, which can be found at <http://www.monitorbeacon.com/sounddownloads.html>. A true and correct copy of this sound recording is annexed hereto as Exhibit A. Marilyn's voice had a quality of sweetness and delight. Her voice had a mellow but gleeful sound and she had a very distinctive humor. I am certain that the female's voice on this audio recording is Marilyn Monroe's voice. I have heard others try to copy Marilyn

Monroe's voice, but nobody has come close to capturing Marilyn's distinctive voice as well as her humor.

8. My father told me that Marilyn Monroe loved Brooklyn. She loved that it was quiet. She told my father that Brooklyn offered an honest and natural life-style, completely opposite from the Hollywood lifestyle she experienced in her youth. My father told me that she craved and searched for normalcy, and she found it in New York. She also had fond memories of meeting some of her dearest friends, like the Rostens, and Arthur Miller, in Brooklyn. She loved it in Brooklyn and was at peace in Brooklyn, it makes sense that she would say she wanted to retire there.

I hereby declare under penalty of perjury that the following is true and correct.

Dated: Tappan, New York
March 27, 2008


EDITH MARCUS